

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 5/17/10 Monday Dept: 1A

(Posted 5/13/10)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: 10CF9044 [M] BANK OF STOCKTON v STEVENSON
Type: COLLECTIONS Date Filed: 01/13/10
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: BANK OF STOCKTON ATTY: ROSS, DAVID K. ESQ
DEFNDT: STEVENSON, DONNA M
Service Date/Type: 03/03/10 SUB 00/00/00

Tentative Ruling: It appears defendant(s) has filed for bankruptcy protection. The matter is continued for further case management in Dept. 1A at 1:00PM on 11/15/10.

2. **1:00 PM** Case: 10CV36388 [S] WOOSTER v THE CA DEPT OF FISH
Type: QUIET TITLE Date Filed: 01/15/10
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: WOOSTER, KELLY C ATTY: SNYDER MILLER & ORTON
DEFNDT: THE CALIFORNIA DEPARTMENT OF FISH
Service Date/Type: 02/02/10 PER 00/00/00
DEFNDT: WILDLIFE CONSERVATION BOARD
Service Date/Type: 02/04/10 PER 00/00/00

Tentative Ruling: Demurrer sustained and new pleadings are pending. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 9/20/10.

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3. 1:00 PM Case: 10CV36502 [S] TENWOLDE v MARQUIS
Type: PI-NON MOTOR VEHICLE Date Filed: 03/03/10
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
07/19/10 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: TENWOLDE, DANNA J ATTY: IN PRO PER
DEFNDT: MARQUIS, DIXIE

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

4. 1:00 PM Case: 10CV36514 [S] CITIBANK SOUTH DAKOTA v SCOTT
Type: BREACH OF CONTRACT Date Filed: 03/04/10
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
07/26/10 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CITIBANK SOUTH DAKOTA N.A. ATTY: HARRIS & ZIDE
DEFNDT: SCOTT, GREGORY W.

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

5. 1:00 PM Case: CF8895 [M] CACH LLC v FUENTES
Type: COLLECTIONS Date Filed: 10/08/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CACH LLC ATTY: NEUHEISEL LAW FIRM
DEFNDT: FUENTES, MELINDA L

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 10/18/10.

6. 1:00 PM Case: CF8927 [M] DISCOVER BANK v ALDINE
Type: COLLECTIONS Date Filed: 10/30/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: DISCOVER BANK ATTY: MANN BRACKEN LLP
DEFNDT: ALDINE, DONALD GENE

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 10/18/10.

7. 1:00 PM Case: CF8938 [M] DISCOVER BANK v TAYLOR
Type: COLLECTIONS Date Filed: 11/06/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: DISCOVER BANK ATTY: CIR LAW OFFICES
DEFNDT: TAYLOR, JEANNE

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 10/18/10.

8. 1:00 PM Case: CV33470 [S] GATSCHET v FORD
Type: PREMISES LIABILITY Date Filed: 02/23/07
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

XD/XC FORD, KEN ATTY: FOTOUHI EPPS HILLGER & GILROY
Service Date/Type: 04/10/07 Answer Date: 05/16/07
DBA: KEN D. FORD CONSTRUCTION
XD/XC MARTIN, MARCIA ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 07/14/08 SUB Answer Date: 05/13/09
DBA: R & A CONSTRUCTION
D/XD/XC JOHNSTON, RANDY ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 07/09/08 PER Answer Date: 05/13/09
DBA: R & A CONSTRUCTION
X-DEFT STOCKTON TRUSS INC
X-DEFT MID VALLEY TRUSS INC
Service Date/Type: 01/11/10 PER 00/00/00
X-DEFT LANDMARK (STOCKTON) TRUSS INC
Service Date/Type: 01/11/10 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all cross-defendants have filed responsive pleadings, cross-complainant is ordered to file defaults or dismissals of all cross-defendants. The CMC is set for Dept 1A at 1:00 PM on 9/20/10.

9. 1:00 PM Case: CV34221 [S] CALAVERAS LUMBER CO v GOLD WEST ET AL
Type: BREACH OF WARRANTY Date Filed: 11/16/07
Priority Info: BANKRUPTCY
Event: FURTHER CASE MANAGEMENT CONFERENCE AND
STATUS OF BANKRUPTCY
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CALAVERAS LUMBER COMPANY INC ATTY: AIROLA & AIROLA
DEFNDT: GOLD WEST CONSTRUCTION INC
DEFNDT: MARINA RIDGE LLC

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 9/20/10.

10. 1:00 PM Case: CV34356 [S] TRINKLER v BIANCHINA
Type: SPECIFIC PERFORMANCE Date Filed: 01/11/08
Event: TRIAL SETTING - CIVIL

PLNTFF: TRINKLER, WENDEL K. JR. ATTY: ZUMWALT LAW FIRM APC
PLNTFF: TRINKLER, HEIDE ATTY: ZUMWALT LAW FIRM APC
PLFF: WILLIAMS, CHRISTOPHER ESQ.
DEFNDT: STAFFORD, AARON ATTY: CARLSON LAW GROUP
Service Date/Type: 09/11/09 PER Answer Date: 12/11/09
DBA: CALIFORNIA PROPERTIES
DEF/XC: BIANCHINA, RICK ATTY: COOPER WHITE & COOPER
Service Date/Type: 02/10/08 SUB Answer Date: 10/14/09
DEF/XC: BIANCHINA, DEBRA ATTY: COOPER WHITE & COOPER
Service Date/Type: 02/10/08 SUB Answer Date: 10/14/09
DF/X-D: CALIFORNIA PROPERTIES ATTY: CARLSON LAW GROUP
Service Date/Type: 09/11/09 PER 00/00/00
DF/X-D: STANLEY, GEORGE
DF/X-D: STEPPS, DENISE ATTY: CARLSON LAW GROUP
Service Date/Type: 00/00/00 Answer Date: 02/08/10
X-DEFT STOKES, BONNIE ATTY: CARLSON LAW GROUP
Service Date/Type: 00/00/00 Answer Date: 02/08/10

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 jury trial.

11. 1:00 PM Case: CV34530 [S] SCRIBNER v SCRIBNER
Type: DAMAGES-NON TORT Date Filed: 03/20/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV33763 , 10PR7149 ,
PLNTFF: SCRIBNER, DONNA ATTY: IN PRO PER
DEFNDT: SCRIBNER, JIM (DECEASED) ATTY: AIROLA & AIROLA
Service Date/Type: 05/07/08 NAR 00/00/00

Tentative Ruling: Previously a demurrer to the complaint was sustained and no amended pleading has been timely filed. The case is dismissed with prejudice.

12. 1:00 PM Case: CV35232 [S] ANDERSON KREISS v MCKINLEY
Type: QUIET TITLE Date Filed: 11/14/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL
07/13/10 11:00 1 TRIAL CONFIRMATION CONFERENCE
COUNSEL MAY APPEAR TELEPHONICALLY
07/14/10 9:00 1 COURT TRIAL - CIVIL

PLNTFF: ANDERSON KRIESS, BARBARA E ATTY: ALLEN, JOHN B ESQ
TRSTEE: BARBARA E ANDERSON KREISS LIVI
DEFNDT: MCKINLEY, MARGARET ELAINE ATTY: ARDOIN, ROSE E ESQ
Service Date/Type: 11/24/08 NAR Answer Date: 04/17/09
TRSTEE: MARGARET ELAINE MCKINLEY 1998
DEFNDT: ALL PERSONS UNKNOWN

Tentative Ruling: Trial is confirmed.

13. 1:00 PM Case: CV36099 [S] ATRAT v VICTORIA INN ETAL
Type: PREMISES LIABILITY Date Filed: 09/29/09
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: ATRAT, ELLIS ATTY: BARADAT EDWARDS & PABOOJIAN L
DEF/XC: VICTORIA INN ATTY: ADAMS & CORZINE
Service Date/Type: 10/08/09 PER Answer Date: 11/09/09
DF/X-D: DENTLY, AMY ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 04/06/10

Tentative Ruling: The case is At-Issue and referred to Judicial Arbitration on a 60 day delay. The parties MAY stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial Setting is set in Dept. 1A at 1:00 PM on 10/18/10.

14. **1:30 PM** Case: 10FL36370 [S] SENGERR v GAVOOR
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 01/08/10
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PLNTFF: SENGERR, WILLIAM MICHAEL ATTY: CALDERWOOD, BRUCE G ESQ
DEFNDT: GAVOOR, ROBIN LYNN ATTY: TRIFILO, JOHN J. ESQ
Service Date/Type: 01/19/10 NAR Answer Date: 02/08/10

Tentative Ruling: It appears the parties are cooperating. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

15. 1:30 PM Case: 10FL36376 [S] KRAMER v KRAMER
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 01/13/10
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: KRAMER, JEFFERY ALLEN ATTY: IN PRO PER
RESP: KRAMER, SUZAN DENISE

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

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16. 1:30 PM Case: 10PA36379 [S] RODRIGUEZ v WEINGARTEN
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 01/13/10
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV36343 ,
PETNR: RODRIGUEZ, GEORGE ATTY: IN PRO PER
MINOR: RODRIGUEZ MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: WEINGARTEN, GENA ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 03/19/10

Tentative Ruling: There are temporary custody orders but no support orders. Respondent is directed to serve and file an Income and Expense Declaration (FL-150). The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 8/16/10.

17. 1:30 PM Case: CV34413 [S] GREENFIELD v GREENFIELD
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/13/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: GREENFIELD, TONYA R. ATTY: IN PRO PER
RESP: GREENFIELD, DAVID L. ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 03/14/08

Tentative Ruling: The parties are not divorced. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/15/10.

18. 1:30 PM Case: CV34724 [S] CANEPA SR v CANEPA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/22/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: CANEPA, CRAIG J. SR. ATTY: CALDERWOOD, BRUCE G ESQ
RESP: CANEPA, LORI R

Tentative Ruling: The parties are not divorced. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/15/10.

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19. 1:30 PM Case: CV35300 [S] INOCENCIO v INOCENCIO
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/08/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV31596 , C13812 , F4510 ,
PETNR: INOCENCIO, CAMILLE C ATTY: IN PRO PER
RESP: INOCENCIO, LUIS D ATTY: IN PRO PER
Service Date/Type: 12/09/08 PER Answer Date: 01/21/09

Tentative Ruling: The parties are not divorced. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/16/10.

20. 1:30 PM Case: CV35832 [S] GUNN v ENGLAND
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 06/22/09
Priority Info: CONFIDENTIAL
Event: FURTHER CASE MANAGEMENT CONFERENCE;
RETURN ON MEDIATION

Related cases NOT on this calendar: 10C14390 ,
PETNR: GUNN, CHAD J. ATTY: CILENTI, STEVEN ESQ
MINOR: GUNN MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: ENGLAND, JESSICA N. ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 00/00/00 Answer Date: 07/06/09

Tentative Ruling: The parties should appear to affirm their mediated custody agreement. If a final Judgment (FL-240/250) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/16/10.

21. 1:30 PM Case: CV36156 [S] HADDAD v BRAIS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/19/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: HADDAD, SANDY JASER ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: BRAIS, JOEY ATTY: FOLEY LAW OFFICES, KENNETH M.
Service Date/Type: 00/00/00 Answer Date: 04/29/10

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

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22. 1:30 PM Case: CV36344 [S] JUAREZ v SIERRA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/29/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV36301 ,
PETNR: JUAREZ, RENE SIERRA ATTY: IN PRO PER
RESP: SIERRA, KAREN

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

23. 2:30 PM Case: CV33440 [S] PRATT v PRATT
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/15/07
At-Issue Date: 02/26/10
Event: FURTHER SETTLEMENT CONFERENCE
GRANT V. BARRETT, JUDGE PRO TEM

Related cases NOT on this calendar: CV33967 ,
PETNR: PRATT, JESSICA ATTY: CILENTI, STEVEN ESQ
NKA: FOLEY, JESSICA
RESP: PRATT, WILLIAM ATTY: IN PRO PER
Service Date/Type: 02/20/07 PER Answer Date: 03/19/07

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

24. 2:30 PM Case: CV33691 [S] HAYES v HAYES
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/04/07
At-Issue Date: 01/25/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING
GRANT V. BARRETT, JUDGE PRO TEM

Related cases NOT on this calendar: CV34392 ,
PETNR: HAYES, PHYLLIS ATTY: IN PRO PER
RESP: HAYES, DOUGLAS ATTY: RODMAN, KEVIN D. ESQ
Service Date/Type: 05/22/07 PER Answer Date: 06/22/07
CLAMNT: CALIFORNIA PUBLIC EMPLOYEES RETIR
Service Date/Type: 07/06/09 NAR 00/00/00
AKA: CALPERS

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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25. 2:30 PM Case: CV34178 [S] COOPER v COOPER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/26/07
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE
RE CHILD SUPPORT
GRANT V. BARRETT, JUDGE PRO TEM
06/23/10 1:00 4 RESP'S CONT'D MOTION FOR JUDICIAL
REVIEW OF LICENSE DENIAL

PETNR: COOPER, CHRISTINA D. ATTY: SALAZAR, ANTHONY T. ESQ
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: COOPER, CORY L ATTY: MIKELICH, STEVEN G. ESQ

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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